

**Before the
FEDERAL COMMUNICATIONS COMMISSION** **RECEIVED**
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

**Establishment of a Public Service Radio
Pool in the Private Mobile Frequencies
Below 800 MHz**

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RM-9405

To: The Commission

**REPLY OF SCANA CORPORATION
TO STATEMENTS REGARDING
PETITION FOR RULEMAKING**

SCANA Corporation, through its undersigned counsel and pursuant to Section 1.405(b) of the Rules and Regulations of the Federal Communications Commission ("FCC"), 47 C.F.R. §1.405(b), hereby submits this Reply to Statements filed in Support of or in Opposition to the Petition for Rulemaking filed with the Commission on August 14, 1998 by UTC, the Telecommunications Association, the American Petroleum Institute ("API"), and the Association of American Railroads ("AAR").¹

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Introduction

SCANA Corporation ("SCANA") is the parent of the South Carolina Electric and Gas Company ("SCE&G"), the South Carolina Pipeline Corporation ("SC Pipeline"), and the

¹ This Petition appeared on a Commission Public Notice dated November 23, 1998, Report No. 2306, mimeo 90739.

SCANA Propane Gas Company (“SCANA Propane”). SCE&G is the State’s largest utility, providing electric service to more than 502,000 customers in the central, southern, and southwestern portions of South Carolina. Further, SCE&G is the State’s largest retail supplier of natural gas as well, with more than 250,000 customers throughout a 19,000 square-mile service area. SCANA Propane provides service to 36,000 customers in the Abbeville and Myrtle Beach areas, as well as a portion of North Carolina. SC Pipeline has 113 direct industrial customers and 15 resale customers and employs 1,900 miles of pipeline operating within 40 counties inside South Carolina.

These three companies are exactly the types of “critical infrastructure industries” referenced by the UTC/API/AAR petition. All three companies have authorizations for mobile communications operations in the 150 MHz and 450 MHz bands that are used to facilitate the safe and efficient generation, transmission and distribution of electric power, natural gas and propane gas. SCANA is thus vitally interested in Commission action on the above-captioned petition for rulemaking, which, if implemented, would provide a dedicated spectrum home in the bands below 800 MHz for critical mobile communications operations undertaken by critical infrastructure industries. The petition would further institute, for the first time, protected service contours for such critical infrastructure operations in the bands below 800 MHz.

South Carolina is particularly impacted by hurricane season and other intense storms that hit the area. The repair and restoration of electric power, natural gas and propane gas service is of crucial importance not only to the people of the State, but to the hospitals, clinics, fire and ambulance stations and other facilities relied upon by state and local public safety authorities. Accordingly, reliable communications in the subject frequency bands is critical for SCE&G, SC Pipeline and SCANA Propane.

Discussion

Establishment of a Public Service Radio pool by the Commission would be in the public interest and would permit the FCC to remedy deficiencies in the current coordination framework that place critical mobile communications in jeopardy of interference from the operations of other Part 90 eligibles. The responsibilities of SCANA's subsidiaries to serve wide regions of South Carolina with electric and gas service, and their use of VHF and UHF land mobile radio systems to coordinate these activities, make the company well-qualified to provide support to the petition, especially as it proposes to these critical infrastructure functions in the Public Service Radio pool.

SCANA observes that those parties that oppose the Petition generally take the position that all private land mobile radio operations are important, and thus no segment of the private land mobile community is entitled to a spectrum set-aside under the current land mobile regulatory framework. While all private services are important, and all private services have unique reliability and control requirements that may not be capable of being met by commercial carriers, the fact remains that mobile communications operations conducted by utilities, pipelines and railroads must be afforded a higher level of protection. Commencement of a rulemaking proceeding to establish a Public Service Radio pool would provide a level of recognition and protection that is appropriate and due these "critical infrastructure industries."

The Personal Communications Industry Association (PCIA) and the Industrial Telecommunications Association (ITA) note the general safety requirements facilitated by the

mobile radio operations of eligibles in the Industrial/Business pool. The SCANA subsidiaries – SCE&G, SC Pipeline and SCANA Propane – quite simply provide the core resources that permit modern society to function. Absent electric power, natural gas and propane, other industrial and business operations are halted. For the people of South Carolina as a whole, these critical infrastructure industries provide electricity and gas to hospitals and other critical facilities throughout their service territories, while simultaneously assuring the safety of their employees. Safety is a concern for all Part 90 eligibles, except that power utilities and other critical infrastructure industries have demonstrably more crucial requirements for reliable, interference-free mobile communications in order to serve the population at large, as well as safeguard the lives of their workers.

The existing Part 90 spectrum framework does not recognize these crucial differences – critical infrastructure industries are members of the Industrial/Business category, which includes private carriers offering commercial service in the bands below 800 MHz. The fact is that under the current rules as developed by the Commission's Refarming proceeding, other Industrial/Business entities have access to channels upon which crucial mobile radio operations are conducted by utilities, pipelines and railroads.

SCANA favorably notes that ITA expressed support for mandatory protected service contours for the power, petroleum and railroad services. In the 450-512 MHz band, these contours would prohibit the 21 dBu contour of a proposed station from interfering with the 39 dBu contour of the incumbent system. As the petition notes, adopting protected service contours would best protect existing stations in the critical infrastructure industries. As the

petition also observes, however, the best level of protection for new facilities that may need to be authorized and constructed would be through the creation of a Public Service Radio pool.

SCANA wishes to oppose the position taken by the American Mobile Telecommunications Association (AMTA) asserting the feasibility of shared access by commercial trunked systems on channels below 800 MHz employed by critical infrastructure industries. First, due to wide-area coverage requirements and reliability concerns, use of commercial trunked systems in the bands below 800 MHz is not feasible for power utilities. Second, the absence of protected service contours for critical infrastructure industries employing standard base-mobile configurations places these stations in particular danger of interference from trunked commercial systems that may be authorized on co-channel or adjacent channel frequencies.

The seriousness of these concerns has been reflected by several members of the U.S. House of Representatives, who have written Chairman Kennard asking that long-term action be implemented to prevent interference to critical utility operations. Adoption of a Notice of Proposed Rule Making seeking the creation of a Public Service Radio pool would be the quickest most effective way for the Commission to meet this important goal. The petition itself is quite comprehensive, citing specific frequencies and offering detailed rules for the new pool. It presents a “stand-alone” framework for rapid Commission implementation.

Conclusion

SCANA urges the Commission to reject the arguments of those parties that seek to characterize all private land mobile operations as indistinguishable. The requirements of the critical infrastructure industries for a Public Service Radio pool are intuitive and compelling. The Commission should quickly adopt a Notice of Proposed Rule Making incorporating the proposed rule provisions advanced by the above-captioned petition.

WHEREFORE, THE PREMISES CONSIDERED, SCANA Corporation requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

SCANA CORPORATION

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Dated: January 7, 1999

Certificate of Service

I, Constance Maisel, a secretary at the law firm McDermott, Will & Emery, do hereby certify that I have mailed copies of the foregoing Reply in regard to RM-9405 to:

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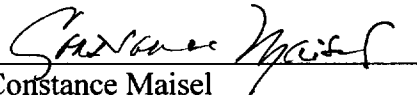
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